

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

_____)	
CLEMENT WOGHIREN,)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 04-12148 WGY
)	
WYETH and WYETH BIOPHARMA,)	
Defendants.)	
_____)	

DEFENDANTS' MOTION FOR COSTS

Pursuant to Fed.R.Civ.P. 54(d) and 28 U.S.C. 1920(1) et seq., Wyeth and Wyeth Biopharma (hereinafter, "Defendants") respectfully submit their motion for costs in the amount of \$13,664.97¹ After a seven-day trial, a twelve-member jury panel returned a unanimous verdict in favor of the Defendants. Judgment entered for the Defendants on January 12, 2006.

As the prevailing party in this action, the Defendants are entitled to recover taxable costs pursuant to Rule 54(d), including costs associated with witnesses at trials, hearings and depositions, as provided by 28 U.S.C. § 1821.

In support of this Motion, Defendants submit the following Bill of Costs, together with supporting documentation.

¹ Defendants request that pursuant to Fed. R. Civ. P. 59(e), the Court either amend the judgment to include any such award, or otherwise enter an order setting forth the amount of the award and specifying that post-judgment interest shall accrue thereon at the rate set forth in U.S.C. § 1961(a).

WHEREFORE, for the foregoing reasons, Defendant's Motion for Costs should be granted.

WYETH And WYETH BIOPHARMA,
By Their Attorneys,

/s/ Kristin E. Spriano

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Dated: January 25, 2006

CERTIFICATE PURSUANT TO LOCAL RULE 7.1

I hereby certify that on January 25, 2006 counsel for the parties conferred in a good faith attempt to resolve or narrow the issues presented by this motion.

CERTIFICATE OF SERVICE

I, Kristin E. Spriano, hereby certify that this document, filed through the ECF system, will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) on January 25, 2006.

/s/Kristin E. Spriano
Kristin E. Spriano